

WEDNESDAY, MAY 10, 1911.

TEN O'CLOCK A. M.

The Senate met pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Culpepper, Dayton, Finlayson, Henderson, Hilburn, Hosford, Humphries, Johnson, Malone, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Williams, Withers, Zim—25.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal of May 9 was dispensed with.

The Journal of May 9 was corrected, and approved as corrected.

Mr. Johnson moved that the following correction be made to the Senate Journal of May 4 and 5, 1911:

On page 10, in the Senate Journal of May 4, 1911, relating to Senate Bill No. 209, correct the Journal to read that the "substitute thereto offered by Mr. Johnson on May 3" instead of "May 2" as it now appears:

Also at the end of said paragraph strike out the word "same" and insert in lieu thereof the following: "substitute for Senate Bill No. 209."

A Bill to be entitled An Act creating three additional judicial circuits in the State of Florida to be known and designated as Ninth, Tenth and Eleventh Judicial Circuits, and defining and fixing the territorial limits and the boundaries of such additional circuits, and defining and fixing the territorial limits and boundaries of the eight existing judicial circuits.

And on page 21 of Senate Journal of May 5, make the title of the substitute for Senate Bill No. 209 read as follows:

Substitute for Senate Committee Bill No. 209:

A Bill to be entitled An Act creating three additional

judicial circuits in the State of Florida to be known and designated as Ninth, Tenth and Eleventh Judicial Circuits, and defining and fixing the territorial limits and the boundaries of such additional circuits, and defining and fixing the territorial limits and boundaries of the eight existing judicial circuits.

Which was unanimously agreed to, and the correction was made in the Journals of May 4 and 5, 1911.

REPORTS OF COMMITTEES.

The Committee on Constitutional Amendments reported unfavorably on—

Senate Joint Resolution No. 319:

A Joint Resolution proposing an amendment to Section 1 of Article VI of the Constitution of Florida, as amended by Joint Resolution No. 2, Acts of 1893, relating to suffrage and eligibility.

The Committee on Judiciary B reported unfavorably on—

Senate Bill No. 339:

A Bill to be entitled An Act fixing the salaries of Judges of the County Courts of the State of Florida.

The Committee on Judiciary B requested that the following bill be referred to the Committee on Judiciary A—
Senate Bill No. 357:

A Bill to be entitled An Act to make uniform the law relating to the sale of goods.

The Committee on Judiciary B reported unfavorably on—

Senate Bill No. 139:

A Bill to be entitled An Act to amend Section 1531 of the General Statutes of the State of Florida, relating to the effect of abstracts, copies, extracts, minutes, maps or plats or copies thereof, received in evidence.

The Committee on Judiciary B reported favorably on—
Senate Bill No. 308:

A Bill to be entitled An Act for the creation of a commission to examine into the system of pleading and prac-

tice in this State, and to suggest to the next Legislature such changes in the laws as may be deemed advisable to promote a speedy administration of the law and to avoid technical difficulties in such administration.

The Committee on Judiciary B reported favorably on—
House Bill No. 56:

A Bill to be entitled An Act to amend Section 1475 of the General Statutes of the State of Florida, relating to the change of venue from one jurisdiction to that of another.

The Committee on Judiciary B reported unfavorably on—

Senate Bill No. 379:

A Bill to be entitled An Act to amend Section 1231 of the General Statutes of Florida limiting the liability of the proprietor or manager of hotels for loss of money, jewelry or precious stones, and limiting the liability of the proprietor or manager of hotels for loss of other property.

The Committee on Judiciary B reported favorably on—
Senate Bill No. 380:

A Bill to be entitled An Act to make the obtaining of any food, lodging, entertainment or other accommodation, by fraud or misrepresentation, from any hotel, restaurant, rooming, boarding or eating house, and the failure to pay therefor, a misdemeanor, and providing a penalty therefor.

The Committee on Judiciary B reported unfavorably on—

Senate Bill No. 362:

A Bill to be entitled An Act in relation to the liability of insurance companies in the State of Florida, and providing for attorneys' fees in suits against the same.

The Committee on Judiciary B reported favorably on—
Senate Bill No. 378:

A Bill to be entitled An Act authorizing the manager or proprietor of any hotel in this State to sell unclaimed articles left in the hotel of which he is manager or proprietor by any guest, and to apply the proceeds of such

sale on any account that may be due such hotel by such guest.

With following amendment:

Add after the word "hotel" wherever same appears in title or body of bill the words "boarding house or lodging house."

The Committee on Judiciary B reported favorably on—
Senate Bill No. 376:

A Bill to be entitled An Act authorizing the creating of a special tax school district within the corporate limits of the territory included in any municipality of over three thousand inhabitants.

The Committee on Judiciary B reported favorably with amendments—

Senate Bill No. 381:

A Bill to be entitled An Act to make the removal of any baggage, or any other personal property from any hotel in this State, by any boarder or lodger thereat, which said boarder or lodger may have therein, until all of his or their bills have been paid, unlawful, and providing a penalty therefor.

Amendments, to-wit:

In line 2 of title, after the word "hotel," add "boarding house or lodging house."

In line 2, Section 1, add after the word "hotel" the following, "Boarding house or lodging house."

The Committee on Judiciary B reported favorably with amendment on—

Senate Bill No. 377:

A Bill to be entitled An Act to preserve the purity of the waters of the State for the protection of the public health.

Amendment, to-wit:

After the word "rivers" in 10th line of Section 6, strike out all of the following section.

The Committee on Judiciary A reported favorably on—
Senate Bill No. 388:

A Bill to be entitled An Act to amend Section 1 of An Act entitled An Act to prohibit certain games and sports on Sunday, approved June 5, 1905.

The Committee on Judiciary A reported unfavorably on—

Senate Bill No. 50:

A Bill to be entitled An Act to prescribe and regulate rates for the transmission of telegrams and providing a penalty for a violation of said regulations.

The Committee on Judiciary A reported favorably on—

Senate Bill No. 375:

A Bill to be entitled An Act providing for the issuance of injunctions in certain cases and the continuance in force of the same until a trial of on the merits of cause, or until the title of the property in dispute is settled.

The Committee on Judiciary A reported unfavorably on—

House Bill No. 150:

A Bill to be entitled An Act to enable cities, towns and villages, incorporated under any general or special law of this State, to fix rates and charges for the supply of electricity or gas for the purpose of illuminating, heating, supplying motor power, or any other purpose for which electricity or gas may be used, furnished by any individual, company or corporation to any such city, town or village and the inhabitants thereof, within the corporate limits of such city, town or village.

The Committee on Claims reported favorably on—

Senate Bill No. 250:

A Bill to be entitled An Act for the relief of Harriet M. Wright and Lizzie B. McCarty.

The Committee on Judiciary A reported substitute for—

Senate Bill No. 263:

A Bill to be entitled An Act to amend Section 2017 of the General Statutes of the State of Florida, the same being relative to the payment into court for use of the defendant by petitioners in condemnation proceedings of the compensation ascertained by the jury.

The Committee on Judiciary A reported the following substitute to—

Senate Bill No. 263:

A Bill to be entitled An Act to amend Section 2017 of the General Statutes of the State of Florida, the same being relative to the payment into court for the use of the defendant by petitioners in condemnation proceedings of the compensation ascertained by the jury.

ORDERS OF THE DAY.

Senate Bill No. 272:

A Bill to be entitled An Act for the creation, regulation and operation of co-operative fire insurance companies.

Was taken up, the motion to indefinitely postpone the bill pending.

The question upon the indefinite postponement of Senate Bill No. 272 was put by the Chair.

Upon the question a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Adkins, Calkins, Cook, Davis, Finlayson, Henderson, Hilburn, Malone, McCreary, McLeod, Wilson—11.

Nays—Mr. President, Senators Baker, Broome, Culpepper, Hosford, Humphries, McMullen, Sloan, Williams, Withers, Zim—11.

Mr. Johnson announced that he was paired with Mr. Dayton and that if Mr. Dayton were present he (Mr. Dayton) would vote nay and that he (Mr. Johnson) would vote yea.

So the bill was not indefinitely postponed.

BILLS ON THIRD READING.

House Bill No. 27:

A Bill to be entitled An Act to correct certain informalities in the execution of deeds and other instruments conveying or transferring real estate or personal property or relinquishing dower made by married women prior to the first of April, A. D. 1911.

Was taken up and read the third time in full.

The Senate amendments to House Bill No. 27 were read, as follows:

Section 1, line 19, after the words "of similar import" add the following: "Provided further, that nothing in this Act shall affect any suit now pending in any of the courts of this State by reason of such defecting acknowl-

edgement, or any right or interest acquired in good faith by any party, not a party to such instrument."

Also add the following section:

"Section 2. All laws and parts of laws in conflict herewith are hereby repealed."

Also add the following section:

"Section 3. This Act shall become effective upon its passage and approval by the Governor."

Yeas—Mr. President, Senators Adkins, Baker, Broome, Carney, Cook, Culpepper, Dayton, Hilburn, Hosford, Humphries, Johnson, Malone, McCreary, McLeod, Sloan, Williams, Wilson, Withers, Zim—20.

Nays—Senators Davis, Finlayson—2.

So the bill as amended by the Senate passed, title as stated.

And the passage of the bill was ordered to be certified to the House of Representatives under the rules immediately.

House Bill No. 20:

A Bill to be entitled An Act requiring railroad companies, corporations, firms or individuals owning or operating a railroad for any purpose in the State of Florida to build, construct, maintain and keep in good passable condition, highways and street crossings, and providing for having the same done in case of failure to do so by the owner or operator of such railroad; creating a lien therefor, and providing for its enforcement.

Was taken up and read the third time in full.

Mr. Cook, by unanimous consent, offered the following amendment to House Bill No. 20 on its third reading:

In line 2 of title, after the word "Railroad," add the following: "Log Road or Tram Road."

Mr. Cook moved to adopt the amendment.

Which was agreed to.

Mr. Cook, by unanimous consent, offered the following amendment to House Bill No. 20, on its Third Reading:

In Section 1, line 2, after the word "railroad" add the following: "Log road or tram road."

Mr. Cook moved to adopt the amendment.

Which was agreed to.

Mr. Cook, by unanimous consent, offered the following amendment to House Bill No. 20, on its Third Reading:

In Section 5, line 3, after the word "railroad" add the following: "Log road or tram road."

Mr. Cook moved to adopt the amendment.

Which was agreed to.

Mr. Cook, by unanimous consent, offered the following amendment to House Bill No. 20:

In Section 4, line 2, after the word "railroad" add the following: "Log road or tram road."

Mr. Cook moved to adopt the amendment.

Which was agreed to.

Upon the passage of House Bill No. 20, as amended by the Senate, the roll was called and the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Henderson, Hosford, Humphries, Johnson, Malone, McCreary, McLeod, Miller, Perkins, Williams, Wilson, Withers, Zim—24.

Nays—None.

So the bill, as amended by the Senate, passed, title as stated, and the passage of the bill was ordered to be certified to the House of Representatives under the rules.

Senate Bill No. 312:

A Bill to be entitled An Act to provide for an Inspector of Nursery Stock, prescribe his term of office and salary, and the employment of his deputies and assistants; to make it the duty of the Board of Control to make rules and regulations for the inspection, certification, sale, exchange, transportation and introduction of nursery stock infested with injurious insects, pests or diseases; to prevent the introduction, increase or dissemination of said insects, pests or diseases; to provide that said rules and regulations shall prescribe cost and charges for said inspection and certification; to make it unlawful to knowingly sell, exchange, give away or transport, or offer or attempt thereto, in the State of Florida any nursery stock, trees, shrubs, plants, vines, cuttings, scions, grafts, buds, seeds, pits, bulbs, roots or parts thereof, infested or infected with injurious insects, pests or diseases; to provide penalties for the violation of this Act and the rules and regulations thereof; to make an appropriation to carry out the provisions of this Act, and to repeal all laws or parts thereof inconsistent herewith.

Was taken up and read the third time in full.

Upon the passage of Senate Bill No. 312 the vote was:

Yeas—Mr. President, Senators Adkins, Baker, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Henderson, Hilburn, Hosford, Humphries, Johnson, L'Engle, Malone, McCreary, McLeod, McMullen, Perkins, Sloan, Williams, Wilson, Withers, Zim—26.

Nays—Senator Miller—1.

So the bill passed, title as stated.

And the passage of the bill was ordered to be certified to the House of Representatives under the rule.

CONSIDERATION OF BILLS ON THE SECOND READING.

Senate Bill No. 24:

A Bill to be entitled An Act to repeal Section 2238 of the General Statutes of the State of Florida, relating to exemptions from liens for rent.

Was taken up and was read the second time in full.

There being no amendment offered, Senate Bill No. 24 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 140:

An Act to prohibit the gathering, packing, shipping, sale or offering for sale of green or unripe citrus fruits.

Was taken up.

Mr. Dayton moved that the rules be waived and that Senate Bill No. 140 be read a second time by its title only.

Which was agreed to.

Mr. McMullen offered the following—

Substitute for Senate Bill No. 140:

A Bill to be entitled An Act to prohibit certain dispositions of citrus fruits which are immature or otherwise unfit for consumption, and the misbranding of citrus fruits.

Mr. McMullen moved to adopt the substitute to Senate Bill No. 140.

Which was agreed to.

Mr. McMullen moved that the rules be waived and that substitute for Senate Bill No. 140 be read the second time by its title only.

Which was agreed to by a two thirds' vote.

Mr. Williams moved to waive the rules and that Senate Bill No. 172 be now taken up for consideration.

Which was agreed to by a two thirds' vote.

And—

Senate Bill No. 172:

A Bill to be entitled An Act to establish a Forestry Commission and to promote conservation of forestry resources of the State.

Was taken up.

Mr. Williams moved that Senate Bill No. 172 be recommended to the Committee on Agriculture and Forestry to retain its place on the Calendar.

Which was agreed to.

Senate Bill No. 194:

A Bill to be entitled An Act to provide for the change and establishment of county sites, calling elections for and prescribing the regulations under which such elections shall be held, and providing a penalty for the use of money, goods or chattels, to secure vote or influence for any place as county site in such election, and specifying who shall be qualified to vote in the said election.

Was taken up.

Mr. Dayton moved to waive the rules and that Senate Bill No. 194 be read the second time by its title only.

Which was agreed to by a two thirds' vote.

And Senate Bill No. 194 was read the second time by its title.

Mr. Dayton offered the following amendment to the bill:

In Section 1, line 4, after the word "electors," add "who are taxpayers on real or personal property."

Mr. Dayton moved to adopt the amendment.

Which was agreed to.

Mr. Dayton offered the following amendment to the bill:

In Section 10 strike out lines 6 and 7, and insert in lieu thereof the following: "shall be imprisoned in State Penitentiary not exceeding two years."

Mr. Dayton moved to adopt the amendment.

Which was agreed to.

And the bill was informally passed.

Senate Joint Resolution No. 19:

A Joint Resolution proposing an amendment to Section 6 of Article VIII of the Constitution of the State of Florida, relative to county officers.

Was taken up and was read the second time in full.

Mr. Johnson offered the following amendment to—
Senate Joint Resolution No. 19:

At the end of said resolution add the following: "On and after the first Tuesday after the first Monday in January, 1915, there shall be no County Treasurer."

Mr. Johnson moved to adopt the amendment.

Which was agreed to.

And the Joint Resolution, as amended, was referred to the Committee on Engrossed Bills.

Senate Bill No. 150:

A Bill to be entitled An Act providing that all saloons or other places of business where intoxicating liquors are sold be kept entirely open to view, that no screens, blinds, shutters, curtains, painted or stained glass doors or windows shall be used in or about said places; that no music tables shall be kept or used therein, and providing a penalty for the violation of the provisions thereof.

Was taken up and was read the second time in full.

The following amendment of the Committee on Temperance was read, as follows:

Strike out Section 4.

Mr. Dayton moved to adopt the amendment.

Which was agreed to.

And Senate Bill No. 150, as amended, was referred to the Committee on Engrossed Bills.

Senate Bill No. 226:

A Bill to be entitled An Act to provide for the selection and securing of a site for a Government Biological Station on the Gulf Coast of Florida.

Was taken up and was read the second time in full.

The following amendment of the Committee on Game and Fisheries was read, as follows:

After the figures "\$2,000.00" in line 1 of Section 4, insert "or so much thereof as may be necessary."

Mr. Withers moved to adopt the amendment.

Which was agreed to.

And Senate Bill No. 226 was referred to the Committee on Engrossed Bills.

Senate Bill No. 214:

A Bill to be entitled An Act to encourage, protect and

develop the oyster industry of the State of Florida, and to increase the revenues of the State therefrom, by recognizing and declaring the ownership of the State in and to the bottoms of beds of the bodies of streams of water along the coast of the Gulf of Mexico and along the coast of the Atlantic Ocean within the jurisdiction of the State of Florida not heretofore granted, for the purpose of giving exclusive rights to plant oysters; by prohibiting other alienations of same in fee; by recognizing and declaring the ownership of the State in and to all reefs of oysters growing naturally thereon; for the protection of those heretofore engaged in the growing of oysters; by creating the office of Oyster Commissioner of the State of Florida, and defining his powers and duties; by providing for the leasing of oyster lands belonging to the State; by providing for the licensing, registration and designation of vessels employed in the oyster industry; by levying a special assessment or privilege tax on oysters produced in said waters; and a police license on persons, firms, corporations and vessels engaged in the oyster industry; by providing for the manner of collecting, handling, depositing and disbursing the revenues derived from said industry, and the distribution of surplus revenues; by providing for the protection and enlargement of the natural oyster reefs in this State and for the creating of artificial reefs or beds; by providing such other regulations and provisions as are necessary to properly carry out the objects and purposes of this Act; by providing penalties for the violation of this Act; and by repealing and superceding all laws on the same subject matter and in conflict with the provisions of this Act.

Mr. Humphries moved to waive the rules and that House Bill No. 214 be read by title only.

Which was withdrawn.

Mr. Williams moved to make the bill the special order for 4 o'clock this afternoon.

Mr. Calkins moved, as a substitute, that it be made order of the day for Friday.

The substitute was agreed to.

Mr. Sloan moved to recommit Senate Bill No. 218 to the Committee on Judiciary B.

Which was agreed to.

Mr. McMullen moved to waive the rules and to make Senate Bill No. 36 an order of the day for tomorrow, May 11, 1911.

Which was agreed to by a two thirds' vote.

Senate Bill No. 154:

A Bill to be entitled An Act to amend Sections 2890, 2891, 1893, 2894, 2896, 2899, 2900, 2901, 2903, 2904, 2905, 2908, 2910, 2914, 2917, 2918, 2924 of the General Statutes of this State relating to the Railroad Commissioners and the regulation of common carriers.

Was taken up.

Mr. Davis moved that consideration of the bill be deferred to 4:10 o'clock this afternoon.

Which was agreed to.

Senate Bill No. 220:

A Bill to be entitled An Act to amend Section 845 of the General Statutes of the State of Florida, relating to persons subject to road duty and prescribing certain duties of Road Overseers.

Was taken up and was read the second time in full.

Mr. McCreary offered the following amendment to—
Senate Bill No. 220:

Strike out the words "30 days" and insert in lieu thereof the following: "six months."

Mr. McCreary moved the adoption of the amendment.

Which was not agreed to.

Mr. Johnson offered the following substitute to the amendment to—

Senate Bill No. 220:

At the end of Section add: "Provided this shall not apply to tourists and visitors."

Mr. Johnson moved the adoption of the substitute to the amendment.

Which was by consent withdrawn.

Mr. Dayton moved that the Senate do now take a recess to 4 o'clock p. m.

Which was agreed to.

Thereupon the Senate took a recess to 4 o'clock p. m.

CONFIRMATIONS MAY 9, 1911.

To be Pilot Commissioners in and for the Port of Jacksonville, Florida:

C. E. Garner of Jacksonville.
 Zach Anderson of Jacksonville.
 Alex Merrill of Jacksonville.
 Francis P. Conroy of Jacksonville.
 George R. Foster of Jacksonville.

To be Pilot Commissioners for the Port of Boca Grande, Florida:

W. J. Gilligan, C. F. Kuster, C. B. McCall, G. E. Atwood and A. R. Standish.

L. W. Bethel of Key West, Fla., to be Judge of the Criminal Court of Record for Monroe County for four years, from May 30, 1911.

E. P. Roberts of Key West to be County Solicitor in and for Monroe County for four years, from June 2, 1911.

AFTERNOON SESSION, WEDNESDAY 4 O'CLOCK, MAY 10, 1911.

The Senate met pursuant to adjournment.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adkins, Baker, Broome, Calkins, Carney, Cook, Culpepper, Davis, Dayton, Finlayson, Flournoy, Henderson, Hilburn, Hosford, Humphries, Johnson, L'Engle, Malone, McCreary, McLeod, McMullen, Miller, Perkins, Sloan, Williams, Wilson, Withers, Zim—29.

A quorum present.

Senate Bill No. 220:

A Bill to be entitled An Act to amend Section 845 of the General Statutes of the State of Florida, relating to persons subject to road duty and prescribing certain duties of Road Overseers.

Was taken up and read the second time in full.

There being no amendment to the bill the same was placed in its order on the Calendar of Bills on the Third Reading.

Senate Bill No. 154:

A Bill to be entitled An Act to amend Sections 2890, 2891, 1893, 2894, 2896, 2899, 2900, 2901, 2903, 2904, 2905, 2908, 2910, 2914, 2917, 2918, 2924 of the General Statutes of the State relating to the Railroad Commissioners and the regulation of common carriers.

Which was the order of the day for 4:10 o'clock.

Was taken up.

Mr. Davis moved that Senate Bill No. 154 be made the Order of the Day for Monday, May 15.

Which was agreed to.

House Bill No. 78:

A Bill to be entitled An Act to require persons, firms and corporations maintaining and operating public bath houses, bathing pavilions and other similar places at seaside resorts to maintain life lines and life rafts for protection of bathers.

Was taken up and was read the second time in full.

There being no amendment offered House Bill No. 78 was, under the rules, placed on the Calendar of Bills on Third Reading.

House Bill No. 31:

A Bill to be entitled An Act to prohibit the printing and publication of the name or identity of any female raped or upon whom an assault may be made with intent to commit rape in this State and providing a penalty for the violation thereof.

Was taken up and was read the second time in full.

There being no amendment offered, House Bill No. 31 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 177:

A Bill to be entitled An Act to provide for the method and manner of opening, establishing, building, constructing and maintaining public roads and bridges in the State of Florida, and to provide a road and bridge fund

for the several counties in the State of Florida, and for the assessment and collection of same.

Was taken up.

Mr. Miller moved to substitute Senate Bill No. 210 for Senate Bill No. 177.

Which was agreed to.

And—

Senate Bill No. 210:

A Bill to be entitled An Act to require that persons, firms or corporations cutting, boxing, girdling or causing or procuring to be cut, boxed or girdled any kind of timber on the land of another, without the consent of the owner thereof, or that shall remove or cause to be removed from the land of another, without his or her consent, any timber or wood of any kind, shall be liable to the owner thereof in a sum equal to double the sum of the timber so cut, boxed or girdled, and timber or the wood so removed, and providing that if payment therefor is not made to the owner within a certain time the parties so trespassing shall also be liable for reasonable attorneys' fees and the expense of surveying the land in certain cases.

Was taken up and read the second time in full.

The committee amendment was read as follows—

In Section 1, line 1, insert after the word "who" the words "without color of title," and in Section 1, line 1, after the word "shall" insert the word "wilfully."

Mr. Miller moved to adopt the amendment.

Which was agreed to.

Also the following committee amendment was read:

In Section 1, line 5, insert after the word "who" the words "without color of title," and in Section 1, line 5, after the word "shall" insert the word "wilfully."

Mr. Miller moved to adopt the amendment.

Which was agreed to.

Also the following committee amendment was read:

In Section 1 strike out the words "for reasonable attorney's fee" and all the words thereafter to the end of the section and insert in lieu thereof the following: "For double the value of the wood or timber as aforesaid with interest thereon from the date of the action, together with a reasonable attorney's fee and a reasonable surveyor's fee if the plaintiff has been obliged to employ a surveyor

to establish his claim, both of which fees shall be fixed by the jury in evidence adduced at the trial and shall be levied as part of the costs. Provided that if the jury shall find that the value of the wood or timber as fixed by the plaintiff in the notice to the defendant was greater than the real value thereof, and that the defendant tendered to the plaintiff within the thirty days aforesaid double the real value thereof, which tender was refused, the plaintiff shall recover the double value so tendered only and without costs of suit."

Mr. Miller moved to adopt the amendment.

Which was agreed to.

And Senate Bill No. 210 was temporarily passed with Committee Amendment No. 4 not yet considered.

Senate Bill No. 238:

A Bill to be entitled An Act to regulate continuances and to speed the trial of civil causes in the several courts of this State, and to prescribe punishment for false swearing in applications for the continuances of such causes.

Was taken up and read the second time in full.

Mr. Hilburn, Chairman of the Committee on Judiciary B, as required by the rules, moved to indefinitely postpone Senate Bill No. 238.

Which was agreed to, and the bill was indefinitely postponed.

Senate Bill No. 244:

A Bill to be entitled An Act to regulate secret societies meeting, the issuing of permit for the same, and providing penalties for the holding of secret meetings of members of secret societies, without first having obtained a permit.

Was taken up and was read the second time in full.

Mr. Hilburn, Chairman of the Committee on Judiciary B, as required by the rules, moved to indefinitely postpone Senate Bill No. 244.

Which was agreed to.

House Joint Resolution No. 10:

A Joint Resolution of the Legislature of the State of Florida ratifying and approving the proposed amendment

to the Constitution of the United States relative to the income tax.

Was taken up and was read the second time in full.

The following amendment of the Committee on Constitutional Amendments was read, as follows:

After the last word in said Joint Resolution insert the following: "And to the Secretary of State of the United States."

Mr. Davis moved to adopt the amendment.

Which was agreed to.

And House Joint Resolution No. 10, as amended, was placed in its order on the Calendar of Bills on the Third Reading.

House Joint Resolution No. 3:

Proposing to amend Section 10 of Article 12 of the Constitution relative to education.

Was taken up and was read the second time in full.

Mr. Davis, Chairman of the Committee on Constitutional Amendments, as required by the rules, moved to indefinitely postpone House Joint Resolution No. 3.

Which was agreed to.

And House Joint Resolution No. 3 was indefinitely postponed.

Mr. Wilson moved to waive the rules and to substitute Senate Bill No. 268 for Senate Bill No. 276.

Which was agreed to by a two thirds' vote.

By consent Mr. Wilson withdrew Senate Joint Resolution No. 276.

And—

Senate Bill No. 268:

A Bill to be entitled An Act requiring the names and addresses of all Deputy Sheriffs to be registered with the Clerks of the Circuit Courts, and giving to the Boards of County Commissioners certain powers over same.

Was taken up and was read the second time in full.

The following amendment of the Committee on Judiciary A was read:

In Section 1, line 10, strike all after the word "filed" down to and including the word "County" in line 14.

Mr. Flournoy moved to adopt the amendment.

Which was not agreed to.

There being no amendments, Senate Bill No. 268 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 251:

A Bill to be entitled An Act to amend Section 1, Chapter 5920, Laws of Florida, entitled An Act prescribing punishment of misdemeanors in this State when not otherwise provided by statutes.

Was taken up and was read the second time in full.

There being no amendment offered, Senate Bill No. 251 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 253:

A Bill to be entitled An Act relating to taxing attorney's fees against defendants on all suits brought on open account.

Was taken up and was read the second time in full.

There being no amendment offered, Senate Bill No. 253 was, under the rule, placed on the Calendar of Bills on Third Reading.

Senate Bill No. 261:

A Bill to be entitled An Act to amend Section 1369 of the General Statutes of the State of Florida, relative to the rights and liabilities and sureties and accommodation signers on bonds, notes, drafts and bills of exchange and providing for contribution between such persons.

Was taken up and was read the second time in full.

There being no amendment offered, Senate Bill No. 261 was, under the rule, placed on the Calendar of Bills on Third Reading.

By consent, the following reports of committees were received:

The Committee on Judiciary B reported favorably on—
Senate Bill No. 323:

A Bill to be entitled An Act to amend Sections 796 and 799 of Article II, Chapter 2, Title 9 of the First Division of the General Statutes of the State of Florida, relating to the disposition of the proceeds of county bonds, and to provide for the appointment and election of trus-

tees of county bonds, and to prescribe their powers and duties, and also relating to county bonds heretofore issued and to trustees of such county bonds heretofore appointed, and to extend the provisions of this Act to the same, and to repeal all Acts in conflict herewith.

The following amendment to Senate Bill No. 323:

In line 18, Section 2, strike out "shall give bond as and in the manner required in respect to county officers in the sum of fifty thousand dollars," and insert in lieu thereof the following: "who shall give bond payable to the Governor of the State of Florida and his successors in office in such sum as shall be required by the Board of County Commissioners."

The Committee on Judiciary B reported favorably on—
House Bill No. 29:

A Bill to be entitled An Act to amend Section 2759 of Article II, Sub-Chapter 111, Fourth Division of the General Statutes of the State of Florida, relating to insurance companies.

The Committee on Judiciary B reported favorably on—
House Bill No. 217:

A Bill to be entitled An Act to amend Section 2023 of the Revised Statutes of the State of Florida in relation to the right of way of railroads.

The Committee on Judiciary B reported favorably on—
House Bill No. 170:

A Bill to be entitled An Act fixing the amount of credit to be allowed county convicts on fines and costs.

The Committee on Judiciary B reported favorably on—
House Bill No. 226:

A Bill to be entitled An Act to amend Section 1531 of the General Statutes of the State of Florida, relating to the effect of abstracts, copies, extracts, minutes, maps or plats or copies thereof, received in evidence.

The Committee on Judiciary B reported favorably on—
House Bill No. 148:

A Bill to be entitled An Act to secure the prompt payment of funds collected for the State and county, and providing penalties for the omission.

The Committee on Judiciary B reported favorably on—
House Bill No. 171:

A Bill to be entitled An Act to amend Section 1587 of the General Statutes of the State of Florida, relating to meals for jurors, so as to provide for meals and lodging for jurors and their bailiffs.

With the following amendment:

In Section 1, line 4, strike out "1487" and insert in lieu thereof "1587."

The Committee on Judiciary B reported favorably on—
House Bill No. 30:

A Bill to be entitled An Act to amend Section 4033, General Statutes of Florida, relating to the issue of commitments by Justices of the Peace on convictions.

The Committee on Constitutional Amendments returned without recommendation—

Senate Bill No. 240:

A Bill to be entitled A Joint Resolution proposing an amendment to Sections 1, 2 and 5 of Article X of the Constitution of the State of Florida, relative to homesteads and exemptions.

Mr. Hilburn moved to adjourn until tomorrow morning at 10 o'clock.

Upon which a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Adkins, Calkins, Cook, Davis, Finlayson, Henderson, Hilburn, Johnson, Malone, Wilson, Withers, Zim—12.

Nays—Senators Baker, Carney, Culpepper, Dayton, Flournoy, Hosford, Humphries, McCreary, McLeod, McMullen, Miller, Sloan, Williams—13.

So the motion to adjourn did not prevail.

Senate Bill No. 300:

A Bill to be entitled An Act to require the city or town council of all cities and towns of this State to divide their respective cities and towns into wards.

Was taken up and pending its second reading.

Mr. McMullen moved that the Senate do now adjourn until tomorrow morning at 10 o'clock.

Which was agreed to.

Thereupon the Senate stood adjourned until 10 o'clock a. m., Thursday, May 11, 1911.